

July 11, 2022

The thirteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, July 11, 2022, 6:30 PM, with Mayor Randall G. Holcomb presiding. Trustees present were Ellen E. Barnes, Nancy W. Jones and Benjamin J. Troche. Also present were Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman, Police Chief Christopher A. DePonceau, DPW Supervisor Thomas R. Pilling and Fire Chief Kurt Hallberg. Absent were Trustee R. Richard Fischer, Village Attorney John I. LaMancuso and Building Inspector Jeff Swanson. A work session was held with no action taken.

APPROVAL OF MINUTES

Motion by Trustee Jones, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees held June 27, 2022.

Adopted: 3 ayes, no nays (Barnes, Jones, Troche)

AUDIT OF CLAIMS

Motion by Trustee Troche, seconded by Trustee Jones, that the claims as audited by the Auditing Committee of the abstracts dated July 11, 2022, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#6 & #6) Trust & Agency Fund: \$ 60,642.83, (check #6685), General Fund: \$ 43,676.77, (checks #18950 thru #18986). Voided check #18972, ACH to M&T Bank.

Adopted: 3 ayes, no nays (Barnes, Jones, Troche)

REPORTS

DPW Supervisor Thomas R. Pilling reported that by the end of July the DPW will begin its CHIPS road sealing project wherein two miles of village roads will be resurfaced. Mr. Pilling said he talked to Mr. John Rauh, Kingsview Enterprises, about replacing the sidewalk ramps they did on Chautauqua Avenue last year. Mr. Pilling said Mr. Rauh is trying to make excuses on whose fault it is and trying to blame it on the salt that was used over the winter.

Mr. Pilling said he contacted the concrete company and they had their engineer come take a look at the condition of the sidewalk ramps. The engineer determined the ramps weren't finished or sealed properly before winter. He noted Kingsview Enterprises likely didn't follow the engineering specifications as called for in the plans.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had four hundred fifty incidents from June 27, 2022 to July 11, 2022. They included one hundred seventeen business checks, ten well-being checks, fifty-one vehicle and traffic violations, eight shoplifting incidents and seventeen warrants were either entered or served.

Chief DePonceau said he would like to send his sincere condolences and prayers to the family of Captain David Bentley. Captain Bentley was a member of the Chautauqua County Sheriff's Department who tragically passed away over the weekend.

Chief DePonceau also reported on a rash of criminal activity that is occurring in the area of Chautauqua Ave., East Summit St., Lakeview Ave. and East Terrace Ave. He asked residents to be vigilant and to report any suspicious activity to the L-BPD. Chief DePonceau then reminded that the Village's curfew is 10:00 pm for youngsters sixteen years of age and under.

Chief DePonceau said the street speed trailer is back up and running, so people will begin seeing that on the streets throughout the village and town.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to five hundred sixty-eight alarms year to date, forty-three so far in July and indicated they are averaging four a day. Chief Hallberg said the 4th of July celebration went off without incident, the only problem they had was someone on the corner of Chautauqua Ave. and Highland Ave. setting off fireworks that were raining down on the fire station.

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Mayor Holcomb said he would like to acknowledge the passing of DPW employee Ryan Vik's father, Mr. Kevin Vik, who passed away last week and asked if everyone could please remember him and his family in their prayers.

Trustee Troche said he would like to remind everyone about Beers for Badges this Sunday, July 17th at Group Ther-happy. He said Chautauqua Ave. will be closed for approximately four hours, between Summit Ave. and Third St., for the event. He also said there will be live music and at four o'clock there'll be a canine demonstration and a rescue demonstration.

Trustee Barnes said on behalf of the Officials and Employees of the Village of Lakewood, she would like to extend sincere condolences and deepest sympathy to the family of Captain David Bentley, this is a very difficult time and a very untimely death for them all. Captain Bentley was the brother of L-BPD retired Chief John Bentley. Trustee Barnes asked for a moment of silence in honor of Captain Bentley.

PRESENTATION ON EMERGENCY MEDICAL SERVICES BILLING

Trustee Barnes welcomed everyone and introduced, Mr. Chuck Jordan, CEO of Professional Ambulance Billing LLC, (PAB) Williamsville, N.Y., Mr. Scott Hultquist, Emergency Medical Services (EMS) Captain for the Town Eden's, EMS squad and Mr. Mark Butler, Esq., Schneider, NY, Special Counsel for the Village of Lakewood who will be guiding us through this process. She also said a few LFD members are in attendance this evening, namely Fire Chief Kurt Hallberg, Trustee Ben Troche, Mr. Tom Pilling and Mr. Tom Hurley.

Ms. Barnes asked Mr. Butler if he would provide some guidance to the Board of Trustees this evening with regard to a couple of resolutions, one of which pertains to the establishment of a village EMS department and the other to the authorization of EMS and ambulance fees.

Mr. Butler said they're fairly technical documents with some rather sensitive issues that should be discussed as attorney/client for decisions to be made prior to the adoption of the documents. He said he has had several conversations with the Chautauqua County Department of Health and Chautauqua County Emergency Medical Services (CCEMS) in the past couple of weeks. He said it appears the documents that were distributed previously to a variety of municipal entities, to village fire districts and to fire companies were not the final version.

Mr. Butler said it is his understanding there are at least two pages of notes from meetings with the county attorney, that the Department of Emergency Services had required revisions. He said in his meeting with them, he expressed his concerns about several aspects of the proposed contract that appeared to be contrary to federal and state regulations and statutes. It certainly was an incomplete document in terms of what the county was envisioning. It has been relayed to me specifically, that the intention is that when making ambulance runs the village would in fact become a part of CCEMS, and working as CCEMS, from a legal standpoint. He said the document that was presented to him was insufficient to accomplish those purposes. That was acknowledged to me by the county personnel last week and hence the need for revision.

Mr. Butler indicated the documents he has prepared for the village do two things. First of all, it establishes the village EMS department, and thinks those resolutions, in particular, are fairly straightforward as to what it does. It's consistent with our prior conferences and counsel. The new document is the one for authorizing EMS ambulance fees. He said that is a result of the legislative action that took place this past April, and that law became effective on Friday last week. That will give authority for volunteer fire departments to bill for their EMS and ambulance services. In as much as the personnel of the village fire department come under the jurisdiction of the village the law establishes certain requirements for the village to consider and those are all reflected in that rather lengthy and technical document. He said he thinks it would be unfair to the Village Board and anyone else to consider the resolutions without having the opportunity to review them in depth, with counsel and a special meeting, in executive session.

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Mr. Chuck Jordan, CEO, Professional Ambulance Billing, said an overview of the billing in general comes down to concerns for taxes. Fortunately for the ambulance it's a standard benefit in everyone's policy. Medicaid, Medicare, Commercial Plans as well as Workers Comp. and most local insurances will cover ambulance transports, so it shouldn't be a real burden on the patient. He said in addition, you could offset co-payments with tax dollars if you choose to do so.

Mr. Jordan said typically they see providers across the state have more of a hybrid approach like funding from the village or town subsidized in addition to billing because costs are going up at a steady rate. Obviously the ambulance is a very expensive service, patients are paying for it in their premium and you're not billing for it. Typically it's the insurance companies who makes out on this because they're collecting the premium and they don't have to pay all of it. For the amount of calls you're doing it makes sense you would want to participate in billing. He said obviously there's a lot that goes into it but they are there to help out with the rules, regulations and requirements and indicated they would go over the different things with the crews collecting information from the patient. We make sure we get the proper procedures that are permitted with the Medicare regulations. These are all little caveats that we go through, with your crews. We will provide official medical recommendation with all your staff just to get everybody up to speed. I know there was some concern on how much work it can be for everybody but primarily you're doing most of the work already. You will need to collect demographics of the patient and insurance information from each patient and it will have to be as accurate as possible so you can get reimbursed for every call you do.

Trustee Troche asked if the ambulance crew has to collect the insurance information, not the billing agency.

Mr. Jordan said that is something EMS would collect at the scene, it makes total sense to ask for it but it can also be the biggest hurdle. The other thing is a chart. We want to make sure everything properly documented. Many times attorneys will ask us for copies of the chart, so you want to make sure that that is done correctly. With Medicare and the requirements for Medicare, it's going to be medically necessary to submit the claim to the insurance so it has to be documented correctly or we may not be able to submit it to Medicare on your behalf. What we like to do is meet with groups to make sure everyone understands why we ask for certain things.

Mayor Holcomb said what happens if it's a rescue call and the patient doesn't have the information you need with them.

Mr. Jordan said that is going to happen. What we suggest is to get as much information as possible at the scene and then we can send a letter to the patient asking them fill out an insurance form for more information. He said there's no easy way to find somebody's insurance information so you want to at least come away with the name of their insurance company, sometimes you can get patient information when they are at the hospital. What you want to do is make sure your crews are trained to ask for the information when it's available.

Mr. Tom Hurley, LFD member, said when they've transported patients in the past with the commercial ambulance services, Medicare sometimes sends a sheet asking to show whether it was medically necessary or not, and asked if that still happens.

Mr. Jordan said Medicare doesn't want to pay for you to take somebody who just needs a ride to the hospital or because it's more convenient for the family to get them there in an ambulance. They have a form making sure it was medically necessary for the government to pay for it. The reason why this is done is because when you get into billing, the providers are ultimately responsible.

Trustee Troche said when you're billing company kicks one back, does it kick it automatically to the EMT who sent it in or is there only one contact person you talk to.

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Mr. Jordan said what would be ideal is to have one Quality Assurance (QA) person at your location and our operations will have one person dedicated to your account. They will talk with that person about the claims and be specific on what you didn't know or help with what could be missing.

Mr. Hurley said will the medical necessity form, which is signed by the doctor, going to go to the billing agency or back to the LFD.

Mr. Jordan said the LFD would need to collect it, have it signed by the proper official and then it would come to them as part of the billing process.

Trustee Troche asked how hard is it to get paid by the assisted living facilities or retirement places where there's not a true 911 reason but they call us to transport them because we're EMS.

Mr. Jordan said a lot of times, that's a very difficult situation because it happens to everyone. Those facilities don't care whether it's medically necessary, they're just trying to cover the grand scheme of getting them out of there. What it comes down to is, what is documented on the chart and whatever information you have that would warrant the patient going to the hospital. Those are the probably the trickiest ones to navigate.

Mr. Jordan said as far as reports go, you'll get three standard reports, these can be customized based on what the village would like. One report would be a Chart Report, this one will list all the transports that were done and have a summary of how many of the calls were Advanced Life Support (ALS) and Basic Life Support (BLS). You will receive another report that will list all the payments that were made in the prior month. You will have a list of all the patients that paid and how they were paid, with adjustments. You will get a summary that would show where all the money came from, such as Medicare, Medicaid, that type of thing. Then finally, you will receive an Agent Report which will show your outstanding receivables, you will be able to see insurance types so you can see where anything outstanding will be. Mr. Jordan said you will receive those reports with our invoices showing how much we collected the previous month and how many calls you did. He also said they will provide backup support and a host of other reports, depending on what different things you're looking at. All these reports will be sent to you.

Mr. Scott Hultquist, Town of Eden EMS Captain, said the Town of Eden began looking into EMS billing approximately fifteen years ago and it took about three and a half years to process. He said the Town Board and their residents spent many hours trying to put this all together and make it the best and easiest they could. Everybody was concerned how it would affect the patients and if they would not call 911 for fear of not being able to afford their bill and how we would handle that. It took a lot of education from the emergency squad to teach the town board what we did, how we did and why we did it. We had a lot of trials, tribulations and errors. But we got to a point where we just took a leap of faith and started with a billing company.

Mr. Hultquist said not all billing companies are created equal. He said after a few years they realized there were some things that could be done better and maybe a little more ethical. He said they eventually switched to Professional Ambulance Billing, LLC (PAB) and it made a huge difference, they have been with them over a decade now. He said at first it was a struggle for his department, the members didn't like it and felt they were volunteers, they shouldn't have to collect money from patients. After education, training and time they now have come around and it's in place. He said the process was long and we changed a lot but it's definitely a good way to go for a fire company or emergency squad. He said the biggest challenge is teaching or training the members to get the demographics and the correct documentation. We have a lot of valid points in our quality assurance program and have four people that create charts before they get sent off. They make sure everything is organized and said it doesn't take that long at all. He said it's been a great journey and happy they did it.

Trustee Troche asked Mr. Hultquist how many calls his department runs in a year and if they are fully volunteer.

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Mr. Hultquist said they run an average of 800 calls a year and they have one full time paramedic that works ten hours a day and one part time medic that works one shift a week.

Trustee Troche asked if they help at all with the overall EMS administration per se.

Mr. Hultquist said the full time paramedic is responsible for all of our narcotics, ordering of supplies and equipment and also does the ambulance checks. Our part time medic is responsible for some communication stuff but not as much. He also said they all have house chores they do at the hall.

Trustee Barnes asked if they have always had a full time and a part time paramedic on the squad or were they able to hire them with the revenues they received from EMS billing.

Mr. Hultquist said they never did previously, they started with full time medic about nine years ago. He said several years ago they started putting some money aside to be able to pay someone and also have some extra money in the bank, in case something unexpected happened and they needed it.

Trustee Troche asked how many hours a week did the EMT or the QA person spend on quality assurance and teaching EMTs and paramedics who have never billed before.

Mr. Hultquist said they don't really have it broken down. He said they have a billing QA person and a QA person that focuses on the patient care. The billing QA person can review the charts and usually can do it within an hour. He has to make sure everything is there and he does this just a couple of times a week so it's not all at once. He probably spends less than an hour a month making sure that signatures are there, demographics are there and all other necessary things that need to be done.

Trustee Troche asked Mr. Hultquist how many EMTs and paramedics they have, including the paid full and part time.

Mr. Hultquist said including our paid part time, we have thirteen Paramedics, forty-three EMTs and two advanced EMT's. He also said they have fifteen or sixteen First Aid drivers.

Mr. Hultquist said they are a pretty large EMS. He said one of the things about Eden is they do all the EMS and rescue. They do all of the auto extrication, all specialized rescues and run heavy rescue.

Chief Hallberg said there was some about talk about establishing and a EMS department separate from the fire department and wondered if that would have to be done.

RESOLUTION #107-2022 – ISSUANCE OF A PURCHASE ORDER FOR EQUIPMENT & SERVICES FOR THE HARTLEY PARK PLAYGROUND PROJECT

Motion by Trustee Barnes, seconded by Trustee Troche, for the Board of Trustees to authorize the issuance of a purchase order (PO) for equipment and services relating to the Hartley Park Playground Project (the Project).

WHEREAS, the Village of Lakewood is the fee simple owner to certain real property commonly known as the Richard O. Hartley Memorial Park (the Park); and

WHEREAS, the Village of Lakewood (the Village) desires to make certain improvements to the Park, including playground improvements, but does not have sufficient capital to fund such improvements; and

WHEREAS, the Village desires to issue a PO for the Project with the understanding that the Lakewood Community Development Corporation (the LCDC), a New York State not for profit corporation has agreed to reimburse the Village for the full cost of such PO.

NOW, THEREFORE, BE IT RESOLVED, that the Trustees of the Village of Lakewood approves issuance of a PO for the equipment and services relating to the Project and this honorable body, on behalf of the Village of Lakewood authorizes and appoints Mayor Randall G. Holcomb to execute said PO along with any documents, deemed necessary in his sole discretion to be required in connection with the foregoing.

Adopted: 3 ayes, no nays (Barnes, Jones, Troche)

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RESOLUTION #108-2022 – AUTHORIZE FUND TRANSFER

Motion by Trustee Jones, seconded by Trustee Troche, to authorize Village Treasurer Apryl L. Troutman to make the following fund transfer to pay for the Penny Saver Advertising invoice & Molly Brown's Sign banner invoice for the Farmers Market; \$265.25 from T1093.15 {Farmers Market Fund} to A-7550.42 {Culture/Recreation – Advertising}.

Adopted: 3 ayes, no nays (Barnes, Jones, Troche)

DISCUSSION ON HEMLOCK WOOLLY ADELGID

Mrs. Mary Seger, 31 Winchester Rd., came before the Board of Trustees with a concern about the infiltration of Hemlock Woolly Adelgid which appears to be taking over the Hemlock trees in the village. Mrs. Seger said around the end May she received a call from a person who had walked pass the Hemlock trees that border her property on Ivy Lane. She said they told her they noticed clear signs of an infestation of the Hemlock Woolly Adelgid pest that has been circulating throughout the environment.

Mrs. Seger said she and her husband checked their trees and found small white dots on the underside of the trees. Her husband Craig contacted Mr. Twan Leenders, CWC Ecological Restoration Manager, and asked if he would take a look at the trees. Mr. Leenders did indeed confirm the trees were infested with the Hemlock pest and indicated it is serious. He said they are tiny little things, kind of like aphids. They suck the sap of the tree and thereby kill it.

Mrs. Seger said Mr. Tom Pilling has since confirmed that although the trees border their property, they are on village property. Mrs. Seger said these are big beautiful hemlocks and they are very concerned about losing them.

She said Craig has been in contact with Forecon, Inc., Falconer, N.Y., and they indicated the trees can be effectively treated by injections or sprays. What they will do is inject the trees with something that will act like a poison in the sap, the insects suck the sap and it will kill them. They said the cost to treat these trees would be approximately \$200 to \$300 a tree and would be good for approximately five years.

Mrs. Seger said she has now seen signs of the pest on some trees on the other side of her property. She said there are a lot of Hemlock trees in the village and she would like the village to get the word out in the hopes of stopping the spread, before it is out of control.

Mrs. Seger said the most obvious and effective solution would be to cut them down but the cost of taking them down and the cost of treating them would be about the same. She said she and her husband would be willing to contribute towards the treatment of the trees so they are able to keep them. She said they feel these trees have a value to the entire village and we need to come up with a solution before it is too late.

Mrs. Seger said there needs to be a plan on who people will call if they find these pests in their trees. She said she has found a couple of Companies that deal with invasive species, they are Forecon, Inc. and PRISM (Partnership for Regional Invasive Species Management). She also suggested looking into the possibility of obtaining some state money.

Trustee Troche said if she sends him the information he can contact these companies and see what they feel can be done.

Trustee Barnes said it seems like cutting down the trees would only move the pest to other areas.

Mr. Ted McCague, 12 Park Lane said he has a number of Hemlocks on his property and he does not have a pest problem. Mr. McCague said the reason is because he treats them every year, he fertilizes the deep roots and puts product on them in the spring and fall.

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Mr. McCague said he thinks it is critical for the village to preserve the trees we have from infestation and disease. He said he thinks it would be wise for the board to consider some sort of provision in the next budget for these kind of things to happen.

ANYONE TO BE HEARD

Mr. Thomas Marlinski, 36 Ohio Ave., said Group Ther-happy had live music Saturday evening past 11:00 PM. He said you can't tell if they are indoors or out because the garage door is open and the speakers are in the doorway. He said at 11:00 PM he called the Police Department and asked them to send someone over there but they were tied up on a domestic call and said they would as soon as they get free. Mr. Marlinski said eventually he gave up, closed the windows in the house and went to bed. He said the music coming from there is atrocious, the neighbors across the street said on Sundays they either leave there apartments and return after 8:00 PM or close their windows, turn on air conditioners and turn up their TV's as loud as they can and stay indoors.

Trustee Barnes said she has been by there several times when they have had music. She has opened the sunroof and put the windows down and can barely hear it. She said she thinks Michelle is doing exactly what the village has asked her to do in keeping it at a level to where only her patrons can hear it.

Chief DePonceau said he knows the police showed up there shortly after Mr. Marlinski called and told them they had to shut it down. Chief DePonceau said he can't think of any other recent calls at that location, but he would check to make sure. Chief DePonceau said he will ask the patrol officers to drive by more often.

Trustee Barnes said she knows there were a couple days she had scheduled music a little later and that might have been one of them.

Motion by Mayor Holcomb, seconded by Trustee Troche and unanimously carried the Board adjourned at 7:37 PM.

Mary B. Currie
Village Clerk